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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 9th September,* 1985/*Bhadra* 18, 1907 (*Saka*)

The following Act of Parliament received the assent of the President on the 6th September, 1985, and is hereby published for general information:—

# THE RAILWAY PROTECTION FORCE (AMENDMENT) ACT, 1985

No. 60 OF 1985

[*6th September,* 1985.]

An Act to amend the Railway Protection Force Act, 1957.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

**Short title and commencement.**

1. (*1*) This Act may be called the Railway Protection Force (Amendment) Act, 1985.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**Amendment of long title.**

23 of 1957.

2. In the Railway Protection Force Act, 1957 (hereinafter referred to as the principal Act), for long title, the following long title shall be substituted, namely:—

"An Act to provide for the constitution and regulation of an armed force of the Union for the better protection and security of railway property and for matters connected therewith.".

Amendment of section 2

3. Section 2 of the principal Act shall be renumbered as sub-section (*1*) thereof, and--

(*a*) in sub-section (*1*) as so renumbered,—

(*i*) for clause (*b*), the following clauses shall be substituted, namely :—

'(*b*) "Director-General" means the Director-General of the Force appointed under sub-section (*1*) of section 4;

(*ba*) "enrolled member of the Force" means any subordinate officer, under officer or any other member of the Force of a rank lower than that of under officer;

(*bb*) "Force custody" means the arrest or confinement of a member of the Force in accordance with rules made under this Act;';

(*ii*) in clause (c), the words "other than the superior officer" shall be omitted;

(*iii*) after clause (*e*), the following clause shall be inserted, namely:—

'(*ea*) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;';

(*iv*) after clause (*f*), the following clause shall be inserted, namely:—

'(*fa*) "under officer" means a person appointed to the Force as a Head Constable or Naik;';

(*v*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(*2*) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area".

Amendment of section 3.

4. In section 3 of the principal Act,--

(*a*) in sub-section (*1*), for the words "a Force", the words "an armed force of the Union" shall be substituted;

(*b*) in sub-section (*2*), for the words "superior officers and members", the words "superior officers, subordinate officers, under officers and other enrolled members" shall be substituted.

Amendment of section 4.

5. In section 4 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General, Assistant Inspectors-General, Senior Commandants, Commandants or Assistant Commandants of the Force.";

(*b*) in sub-section (2) for the expression "Inspector-General", the expression "Director-General" shall be substituted.

**6.** Section 5 of the principal Act shall be omitted. Omission of section 5.

**7.** For section 6 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 6.

"6. The appointment of enrolled members of the Force shall rest with the Inspector-General, Additional Inspector-General or Deputy Inspector General who shall exercise that power in accordance with rules made under this Act: Appointment of members of the Force.

Provided that the power of appointment under this section may also be exercised by other superior officer as the Inspector-General, Additional Inspector-General or Deputy Inspector-General concerned may, by order, specify in this behalf.".

**8.** In section 7 of the principal Act,— Amendment of section 7.

(*a*) in sub-section (1), for the words "Chief Security Officer", at both the places where they occur, the words "Inspector-General, Additional Inspector-General or Deputy Inspector-General" shall be substituted;

(*b*) in sub section (2), the words "and on his ceasing to be a member of the Force shall be forthwith surrendered by him to any superior officer empowered to receive the same" shall be omitted.

**9.** For section 8 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 8.

"8. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General. Superintendence and administration of the Force.

(2) Subject to the provisions of sub-section (1), the administration of the Force, within such local limits in relation to a railway as may be prescribed shall be carried on by an Inspector-General, an Additional Inspector-General or a Deputy Inspector-General in accordance with the provisions of this Act and of any rules made thereunder and they shall, subject to any direction that may be given by the Central Government or the Director-General in this behalf discharge his functions under the general supervision of the General Manager of the Railway.".

**10.** In section 9 of the principal Act,— Amendment of section 9

(*a*) in sub-section (1), for the word "member", at both the places where it occurs, the words "enrolled member" shall be substituted;

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) Any enrolled member of the Force aggrieved by an order made under sub-section (*1*) may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed:

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*3*) In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed:

Provided that no order imposing an enhanced penalty under sub-section (*2*) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.".

Substitution of new section for section 12.

**11.** For section 12 of the principal Act, the following section shall be substituted, namely:—

Power to arrest without warrant.

"12. Any member of the Force may, without an order from a Magistrate and without a warrant, arrest—

(*i*) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force to him or any other member of the Force in the execution of his duty as such member, or with intent to prevent or to deter him from discharging his duty as such member, or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member; or

(*ii*) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence which relates to railway property; or

(*iii*) any person found taking precautions to conceal his presence within the railway limits under circumstances which afford reason to believe that he is taking such precautions with a view to committing theft of, or damage to, railway property; or

(*iv*) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve imminent danger to the life of any person engaged in carrying on any work relating to railway property.".

**12.** In section 15 of the principal Act,— Amendment of section 15.

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Every member of the Force shall, for the purposes of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.";

(*b*) in sub-section (2), the words "superior officer or" shall be omitted.

**13.** After section 15 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 15A.

"15A. (*1*) No member of the Force shall, without the previous sanction in writing of the Central Government or of the prescribed authority,— Restrictions respecting right to form association, etc.

(*a*) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

(*b*) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

(*c*) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

*Explanation.*—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (*b*) of this sub-section, the decision of the Central Government thereon shall be final.

(*2*) No member of the Force shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be prescribed.".

**14.** After section 16 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 16A.

"16A. (*1*) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of his duties as a member of the Force. Surrender of certificate, arms, etc., by persons ceasing to be members of the Force.

(*2*) Any person who wilfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (*1*), shall, on conviction, be punished with imprisonment for a term which may

extend to one month, or with fine which may extend to two hundred rupees, or with both

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Director-General, has become the property of the person to whom the same was furnished.".

Substitution of new section for section 17.

**15.** For section 17 of the principal Act, the following section shall be substituted, namely:—

Penalties for neglect of duty, etc.

"17. (1) Without prejudice to the provisions contained in section 9, every enrolled member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or lawful order made by a superior officer, or who shall withdraw from duties of his office without permission or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority for any employment other than his duty as an enrolled member of the Force, or who shall be guilty of cowardice may be taken into Force custody and shall, on conviction, be punished with imprisonment which may extend to one year.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable and non-bailable. 2 of 1974

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the Central Government may invest Assistant Inspector-General, Senior Commandant or Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the Force against the person or property of another member of the Force 2 of 1974

Provided that—

(i) when the offender is on leave or absent from duty; or

(ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or

(iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force, or

(iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or to try the offence,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.

(4) Nothing contained in this section shall be construed to prevent any enrolled member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for

being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section:

Provided that no person shall be punished twice for the same offence.".

**16.** For section 19 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 19.

"19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, or any corresponding law relating to investigation and settlement of industrial dispute in force in a State shall apply to members of the Force.". Certain Acts not to apply to members of the Force.

4 of 1936.
14 of 1947.
63 of 1948.

**17.** In section 21 of the principal Act,— Amendment of section 21.

(*a*) in sub-section (*2*),—

(*i*) in clauses (*a*), (*b*) and (*c*), the words "superior officers and" shall be omitted;

(*ii*) for clauses (*d*) and (*e*), the following clauses shall be substituted, namely:—

"(*d*) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(*e*) prescribing the places of residence of the member of the Force;

(*f*) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(*g*) regulating the punishments and prescribing authorities to whom appeal shall be preferred from orders of punishment, or remission of fines, or other punishments and the procedure to be followed for the disposal of such appeals;

(*h*) regulating matters with respect to Force custody under this Act, including the procedure to be followed for taking persons into such custody;

(*i*) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined;

(*j*) any other matter which has to be, or may be, imposed, or in respect of which rules are required to be made under this Act;";

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

Consequential amendments.

**18.** The amendments directed in the Schedule (being amendments of a consequential nature) shall be made in the principal Act.

Provisions as to existing Force.

**19.** (*1*) The Force constituted under the principal Act as functioning immediately before the commencement of this Act (hereafter in this section referred to as the existing Force) shall, on such commencement, be deemed to be the Force constituted under the principal Act as amended by this Act, and every member of the existing Force holding immediately before such commencement an office mentioned in column (1) of the Table below shall, on such commencement, be deemed to have been appointed to the office mentioned in the corresponding entry in column (2) of the said Table.

TABLE

| (1) | (2) |
|---|---|
| 1. Director-General | Director-General. |
| 2. Inspector-General-cum-Chief Security Officer. | Inspector-General. |
| 3. Additional Inspector-General-cum-Chief Security Officer. | Additional Inspector-General. |
| 4. Additional Inspector-General . . | Additional Inspector General. |
| 5. Deputy Inspector-General-cum-Chief Security Officer. | Deputy Inspector-General. |
| 6. Deputy Inspector-General . . . | Deputy Inspector-General. |
| 7. Principal, Training College . . . | Principal, Training College. |
| 8. Assistant Inspector-General . . . | Assistant Inspector-General. |
| 9. Deputy Chief Security Officer . . | Senior Commandant Headquarters. |
| 10. Senior Security Officer . . . | Senior Commandant. |
| 11. Security Officer . . . . . | Commandant. |

| (1) | | (2) |
|---|---|---|
| 12. | Staff Officer to Chief Security Officer | Commandant-cum-Staff Officer to Chief Security Officer. |
| 13. | Security Officer (Small Arms) | Commandant (Small Arms). |
| 14. | Commandant | Commandant. |
| 15. | Assistant Security Officer | Assistant Commandant. |
| 16. | Personal Assistant to Chief Security Officer. | Assistant Commandant-cum-Personal Assistant to Chief Security Officer. |
| 17. | Adjutant | Assistant Commandant Adjutant. |
| 18. | Assistant Commandant | Assistant Commandant. |
| 19. | Principal, Training School | Assistant Commandant-cum-Principal, Training School. |
| 20. | Vice-Principal, R.P.F. Training College | Assistant Commandant-cum-Vice-Principal, R.P.F. Training College. |
| 21. | Inspector | Inspector. |
| 22. | Sub-Inspector | Sub-Inspector. |
| 23. | Assistant Sub-Inspector | Assistant Sub-Inspector. |
| 24 | Head Rakshak | Head Constable. |
| 25. | Battalion Havildar Major | Head Constable. |
| 26. | Coy. Havildar Major | Head Constable. |
| 27. | Senior Rakshak | Naik. |
| 28. | Rakshak | Constable. |

(2) Notwithstanding anything contained in sub-section (1), any member of the existing Force may, within thirty days from the commencement of this Act, exercise his option by notice in writing to the Director-General—

(*a*) if such member has been on deputation to the existing Force from any other service, to revert to such other service, and

(*b*) in any other case, to retire from service, and an option so exercised shall be final, and a member exercising such option shall be permitted, within thirty days from the date on which he exercises such option to revert to the service from which he had been on deputation or, as the case may be, to retire from service.

*Explanation.*—For the purposes of this section, the expression "member" includes an officer, and the expression "Director-General" shall have the same meaning as in the principal Act as amended by this Act.

## THE SCHEDULE

(*See* section 18)

CONSEQUENTIAL AMENDMENTS

1. Section 10—*For* "the Inspector-General and every other superior officer and every member of the Force", *substitute* "Director-General and every member of the Force".

2. Section 13—(*a*) in sub-section (*1*), omit "any superior officer or".

5 of 1898. 2 of 1974. (*b*) in sub-section (*2*), *for* "Code of Criminal Procedure, 1898", *substitute* "Code of Criminal Procedure, 1973".

3. Section 14—Omit "superior officer or".

4. Section 20—Omit "superior officer or", wherever they occur.

R. V. S. PERI SASTRI,
*Secy. to the Govt. of India.*

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